

Prepared from
FORM PTO-1390Transmittal Letter to the United States
Designated/Elected Office (DO/EO/US)

Attorney's Docket No.:	KILBU P-92/500728.20118		
U.S. Application No.:	10/593,836	Confirmation No.:	5495
International Application No.:	PCT/GB2005/000986		
International Filing Date:	MARCH 16, 2005	16 MARCH 2005	
Priority Date Claimed:	MARCH 25, 2004	25 MARCH 2004	
Title of Invention:	BEVERAGE CONTAINERS		
Applicant(s) for (DO/EO/US):	Matthew Eric Smith and Karl Mondszein		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

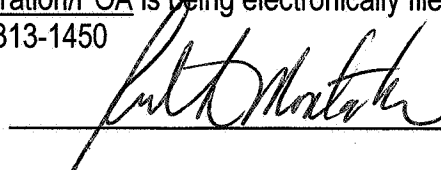
- ☐ 1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
- ☒ 2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
- ☐ 3. This express request to begin national examination procedures [35 U.S.C. 371 (f)]. The submission must include items (5), (6), (9), and (21) indicated below.
- ☐ 4. The US has been elected (Article 31).
- ☐ 5. A copy of Publication No. WO 2005/092732 06OCT05 ~~the International Application as filed~~ [35 U.S.C. 371(c)(2)]
 - a) ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b) ☐ has been communicated by the international Bureau.
 - c) ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
- ☐ 6. An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)]
 - a) ☐ is attached hereto
 - b) ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
- ☐ 7. Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)]
 - a) ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b) ☐ have been communicated by the international Bureau.
 - c) ☐ have not been made; however, the time limit for making such amendments has **NOT** expired.
 - d) ☐ have not been made and will not be made
- ☐ 8. An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)]
- ☒ 9. An **EXECUTED** Oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)]
- ☐ 10. An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)]

Items 11. to 20. Below concern other document(s) or information included:

- ☐ 11. An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98
- ☐ 12. An Assignment document **Carbonite Corporation** for recording. A separate cover sheet (PTO-1595) in compliance with 37 CFR 3.28 and 3.31 is included. **TO FOLLOW LATER**
- ☐ 13. A preliminary amendment
- ☐ 14. An Application Data Sheet under 37 CFR 1.76
- ☐ 15. A substitute specification with abstract (attached to the preliminary amendment)
- ☐ 16. A change of power of attorney and/or address letter
- ☐ 17. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
- ☐ 18. A second copy of the published International Application under 35 U.S.C. 154 (d)(4).
- ☐ 19. A second copy of the English language translation of the International Application under 35 U.S.C. 154 (d)(4).
- ☒ 20. (other items or information) **371 Formalities Letter dated June 8, 2007**

Electronically filed on: **June 15, 2007**

I hereby certify that this Executed Declaration/POA is being electronically filed on June 15, 2007 with the Patent and Trademark Office in Alexandria, VA 22313-1450



/ **Ruth Montalvo** Date: **06/15/2007**

U.S. Application No. (if known, see 37 C.F.R. 1.50): **10/593,836**International Application No.: **PCT/GB2005/000986**Attorney's Docket No: **KILBU P-92/500728.20118**

The following fees are submitted:					Applicant use	Office use only
<input type="checkbox"/> 21	Basic national fee (37 CFR 1.492(a))			\$ 300.00	\$	
<input type="checkbox"/> 22	Examination fee (37 CFR 1.492(b)) If the written opinion prepared by ISA/US or the International Preliminary Examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Articles 33(1)-(4)			\$ 0.00	\$	
	All other situations.....			\$200.00		
<input type="checkbox"/> 23	Search fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the International Preliminary Examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Articles 33(1)-(4)			\$ 0.00	\$	
	Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority			\$100.00		
	International Searching Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by IB			\$400.00		
	All other situations.....			\$500.00		
TOTAL OF ABOVE CALCULATIONS:					\$	
<input type="checkbox"/>	Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (b) or computer program listing filed in an electronic medium) 37 CFR 1.492(j)). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.					
	Total sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number.	Rate		
	- 100 =	/50 =		X \$250.00	\$	
Surcharge of \$ 130.00 for furnishing the oath or declaration later than 30 month from the earliest claimed priority date (37 CFR 1.492(e))					\$ 130.00	
Claims	Number Filed		Number Extra	Rate		
Total Claims:	13	- 20	0	X \$ 50.00	\$	
Independent Claims:	1	- 3	0	X \$ 200.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$ 360.00	\$	
TOTAL OF ABOVE CALCULATIONS:					\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date [37 CFR 1.492(e)]					+	\$
TOTAL OF ABOVE CALCULATIONS:					\$ 130.00	
<input checked="" type="checkbox"/> Applicant claims Small Entity Status [See 37 CFR 1.27] Reduction by 1/2 for filing by small entity					-	\$ 65.00
SUBTOTAL:					\$ 65.00	
Processing fee of \$130.00 for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date [37 CFR 1.492(f)]					+	\$
TOTAL NATIONAL FEE:					\$ 65.00	
Fee for recording the enclosed assignment [37 CFR 1.21(h)] The assignment must be accompanied by an appropriate cover sheet (PTO-1595) [37 CFR 3.28, 3.31]. \$ 40.00 per property					+	\$
TOTAL FEE(S):					\$ 65.00	
AMOUNT TO BE REFUNDED						\$
AMOUNT TO BE CHARGED						\$

(Please note the filing fee is based on the claims in the Preliminary Amendment)

- a) ☐ Check in the amount of \$.00 to cover the above fees is enclosed.
- b) ☒ Please charge my Deposit Account No 50-1529 in the amount of \$ 65 .00 to cover the fee..
- c) ☒ The Commissioner is hereby authorized to charge any additional fees required with this submission or to credit any overpayment to Deposit Account No: 50-1529.)
- d) ☐ Fee are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 36 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Lloyd McAulay, Esq.
 Reed Smith LLP (Customer No. 026418)
 599 Lexington Avenue
 New York, NY 10022-7650

Signature:

Attorney:

Reg. No.

Date:

Lloyd McAulay**20,423****June 15, 2007**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/593,836	FIRST NAMED APPLICANT Matthew Eric Smith	ATTY. DOCKET NO. KILBU P-92/500728.20118
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INTERNATIONAL APPLICATION NO.

PCT/GB05/00986

I.A. FILING DATE

03/16/2005

PRIORITY DATE

03/25/2004

26418
 REED SMITH, LLP
 ATTN: PATENT RECORDS DEPARTMENT
 599 LEXINGTON AVENUE, 29TH FLOOR
 NEW YORK, NY 10022-7650

CONFIRMATION NO. 5495

371 FORMALITIES LETTER



OC000000024281477

Date Mailed: 06/08/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/22/2006
- Copy of the International Search Report filed on 09/22/2006
- Preliminary Amendments filed on 09/22/2006
- Information Disclosure Statements filed on 09/22/2006
- Oath or Declaration filed on 09/22/2006
- Small Entity Statement filed on 09/22/2006
- U.S. Basic National Fees filed on 09/22/2006
- Priority Documents filed on 09/22/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

DOCKET

Due Aug. 8 2007 Elected Decl. due Jan 8, 2008 Deadline

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

CHRISTINE S WASHINGTON

Telephone: (703) 308-9140 EXT 228

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/593,836	PCT/GB05/00986	KILBU P-92/500728.20118